

FILED: QUEENS COUNTY CLERK 06/05/2017 04:28 PM

NYSCEF DOC. NO. 1

INDEX NO. 707667/201

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Brentwood Legion Ambulance
29 3rd Avenue
Brentwood, New York 11717

Southside Hospital
301 East Main Street
Bayshore, New York 11706

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Avenue. Brentwood, New York 11717 and did. and does own, operate, manage and control ambulances for the care and transport of persons afflicted with illness or disease.

5. That at all times mentioned herein, upon information and belief, defendant SOUTHSIDE HOSPITAL, was and is a public corporation organized and existing under the laws of the State of New York, and did, and does own, operate, manage and control SOUTHSIDE HOSPITAL, located at 301 East Main Street, Bayshore, New York 11706 for the care and treatment of persons afflicted with illness or disease.

6. That at all times mentioned, herein, upon information and belief, defendant LISA JACKSON was an agent, servant, employee and/or independent contractor of defendant BRENTWOOD LEGION AMBULANCE.

7. That at all times mentioned, herein, upon information and belief, defendant KHALDUN FERREIRA, M.D., was an attending physician, resident physician, agent, servant, employee and/or independent contractor of defendant SOUTHSIDE HOSPITAL.

8. That at all times mentioned herein, upon information and belief, defendant KHALDUN FERREIRA, M.D., was employed, authorized, retained and permitted by defendant SOUTHSIDE HOSPITAL to render medical services and perform all necessary functions pertaining to and regularly followed in the care and treatment of patients at SOUTHSIDE HOSPITAL.

9. That at all times mentioned herein defendants, their agents, servants, employees and/or independent contractor(s) represented themselves to be competent to perform and render all professional work, EMT services, medical services, treatments and tests that were to be rendered to plaintiff, ANA RODRIGUEZ GALVEZ.

10. That at all times mentioned herein, plaintiff, ANA RODRIGUEZ GALVEZ, provided a medical history, various complaints, signs, symptoms, pains, sensations, and other

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physical and/or mental complaints to defendants, their attending physicians, resident physicians, agents, servants, associates, partners, employees and/or independent contractors

11. That at all times mentioned herein defendants, their agents, servants, employees and/or independent contractors for a consideration, offered to render competent and adequate care by emergency medical technicians, physicians, and to provide medical services, nursing services, surgical services, labor and delivery services, obstetrical services, diagnostic services, hospital services, diagnostic radiology services and in general, all necessary services to give and perform proper, adequate and competent medical care, surgeries, treatment and attention to members of the general public, and more particularly, the plaintiff, ANA RODRIGUEZ GALVEZ, herein and further held themselves out to such individuals as having necessary personnel, equipment, supplies and facilities to perform the same.

12. That at all times mentioned herein, plaintiff, ANA RODRIGUEZ GALVEZ, provided a medical history, various complaints, information regarding her medical history, complaints and concerns about her pregnancy and her prenatal care treatment, complaints and concerns about abdominal pain, contractions, and signs, symptoms, pains, sensations, and/or other physical and/or mental complaints to defendants, their attending physicians, agents, servants, associates, assistance, partners, employees and/or independent contractors.

13. That plaintiff, ANA RODRIGUEZ GALVEZ, was treated, examined, diagnosed, monitored, and received emergency and labor and delivery care by defendant LISA JACKSON on or about January 29, 2017.

14. That plaintiff, ANA RODRIGUEZ GALVEZ, was treated, examined, prescribed medication, diagnosed, monitored, and received prenatal, emergency and labor and delivery care by defendants KHALDUN FERREIRA, M.D., and SOUTHSIDE HOSPITAL from on or about September, 2016 through on or about January 29, 2017.

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15. That plaintiff, ANA RODRIGUEZ GALVEZ, was not properly examined, treated, diagnosed and/or monitored during her prenatal, emergency and labor and delivery care by defendants, their attending physicians, agents, servants, employees and/or independent contractors in accordance with good and accepted emergency medical technician practice and medical practices and care in light of her pregnancy.

16. That at all times mentioned herein defendants, their attending physicians, resident physicians, agents, servants, employees, assistants and/or independent contractors were negligent in failing to follow good and accepted emergency medical technician practice and medical practices and procedures including: during the plaintiff, ANA RODRIGUEZ GALVEZ's prenatal period, emergency department presentations, obstetric triage presentations, hospital presentations, home presentation and delivery of her still born infant; in failing to render and provide proper and adequate care throughout defendants' care and treatment of plaintiff in accordance with good standard and accepted emergency medical technician practice and medical practices and procedures; in failing to render the proper prenatal care and monitoring of the plaintiff's pregnancy; in failing to refer plaintiff to a specialist; in failing to render the proper emergency care and monitoring during the plaintiff's pregnancy; in failing to timely and properly deliver plaintiff's infant; in failing to be properly trained to deliver plaintiff's infant; in failing to render the proper obstetrical triage care and monitoring during the plaintiff's pregnancy; in failing to render and provide proper and adequate medical care during the prenatal, emergency and throughout defendants' obstetrical care and treatment of plaintiff; in rendering or providing improper and inadequate prenatal care, emergency care and treatment, obstetrical triage and throughout defendants' care and treatment of plaintiff in a careless and negligent manner and contrary to the standard and accepted emergency medical technician practice and medical practices and procedures; in failing to, *inter alia*, monitor, examine, perform diagnostic testing

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on the part of plaintiff contributing thereto, plaintiff, was caused to sustain severe and permanent pain, suffering severe depression and mental and emotional distress.

18. That by reason of the foregoing departures from accepted emergency medical technician practice and medical practices, plaintiff has sustained damages in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the defendants herein.

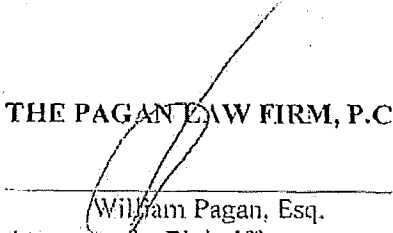
19. That as a result of the foregoing, plaintiff has been damaged by the defendants herein and seeks a monetary award and damages which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the defendants herein.

20. The limitations on liability set forth in CPLR § 1601 do not apply by reason of one or more of the exceptions thereto set forth in CPLR § 1602.

WHEREFORE, plaintiffs, demand judgment against the defendants, on the first through second causes of action, in a monetary award and damages which exceed the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the defendants herein; together with the costs and disbursements of this action.

Dated: New York, New York
June 5, 2017

THE PAGAN LAW FIRM, P.C.


William Pagan, Esq.
Attorneys for Plaintiffs
805 Third Avenue, Suite 1205
New York, New York 10022
Phone: (212) 967-8202

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ATTORNEY'S VERIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK)ss.:

I, the undersigned, an attorney admitted to practice in the Courts of New York State, state that I am a partner with THE PAGAN LAW FIRM, P.C. the attorneys of record for the plaintiff(s) in the within action: I have read the foregoing

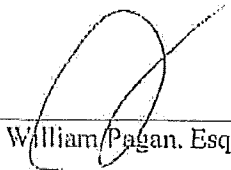
VERIFIED COMPLAINT

and know the contents thereof; the same is true to my knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters, I believe it to be true. The reason this verification is made by me and not by plaintiff(s) is that deponent maintains offices outside the County in which plaintiff(s) reside(s).

The grounds of my belief as to all matters not stated upon my own knowledge, are as follows: entire file maintained in your affirmant's offices; investigations, etc.

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: New York, New York
June 5, 2017


William Pagan, Esq.

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

ANA RODRIGUEZ GALVEZ.

Plaintiffs,

vs.

LISA JACKSON, KHALDUN FERREIRA, M.D.,
BRENTWOOD LEGION AMBULANCE and
SOUTHSIDE HOSPITAL,

Defendants.

) Index No.

CERTIFICATE OF MERIT

WILLIAM PAGAN, an attorney duly admitted to practice law in the courts of the State of New York, and a partner of the law firm of THE PAGAN LAW FIRM, P.C., attorneys for the plaintiffs in this action, affirms, under the penalties of perjury, that the following statement, pursuant to CPLR 2106, is true:

Your affiant has reviewed the facts in this action, and has consulted with a physician licensed to practice medicine in the State of New York, whom your affiant reasonably believes is knowledgeable in the relevant issues involved in this action. Based on said review and consultation, your affiant has concluded that there is a reasonable basis for the commencement of this action.

Affirmed on: June 5, 2017

William Pagan, Esq.

